

### REMARKS

In response to the Restriction Requirement dated February 9, 2005, Applicant elects, without traverse, to prosecute the invention of Species I, claims 1-14. Applicant agrees with the Examiner that claim 1 is generic to both Species I and Species II. Accordingly, should the Examiner find claim 1 to be allowable, then Applicant respectfully requests rejoinder of dependent claims 15-16.

Moreover, with the above preliminary amendment, Applicant has added new linking claims 29-42. *See* MPEP §§ 809 and 809.03. Applicant submits that the pending claims 1-14 are related to these new linking claims 29-42 as a process (claims 1-14) and apparatus for its practice (new linking claims 29-42). *See* MPEP § 806.05(e). According to the MPEP:

If the apparatus claims include a claim to “means” for practicing the process, the claim is a linking claim and *must be examined with the elected invention*. If it is ultimately allowed, rejoinder is required. *See* MPEP § 809.04.

MPEP § 806.05(e) (emphasis added). Therefore, Applicant respectfully submits that new linking claims 29-42 must be examined together with pending claims 1-14. Accordingly, Applicant respectfully requests entry and examination of linking claims 29-42.

Furthermore, Applicant notes that claims 17-28 were cancelled in Applicant’s previous response dated March 23, 2004. Applicant reserves the right to reintroduce such claims at a later date in one or more divisional applications, or as dependent claims to any one or more of the above linking claims that are found allowable. *See* M.P.E.P. § 809.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GERRARD M. CARLSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6951

Date March 8, 2005 By Suneel Arora  
Suneel Arora  
Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of March, 2005.

Paula Suchy  
Name

Paula Suchy  
Signature